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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DB STRUCTURED PRODUCTS, INC.,

Plaintiff,

-against-

LENDER LTD.,

Defendant/Third-Party Plaintiff,

-against-

CML DIRECT, INC. d/b/a CREATIVE  
MORTGAGE LENDING,

Third-Party Defendant.

ECF Case

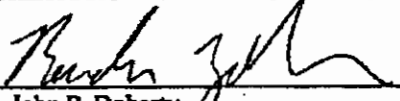
Civ. No. 07 CV 4119 (DLC)

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that the above captioned litigation is hereby dismissed without prejudice as to the claims by Plaintiff against Defendant Lender Ltd., and is dismissed without prejudice as to the claims by Third Party Plaintiff Lender Ltd. against Third Party Defendant CML Direct, Inc. All parties shall bear their own attorneys' fees, costs and disbursements associated with this action.

THACHER PROFFITT & WOOD LLP

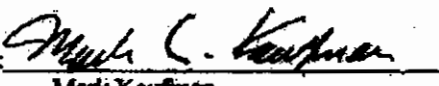
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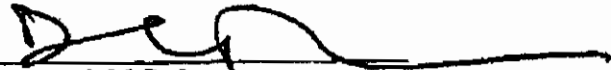
  
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Plaintiff Lender LTD

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*The Clerk of Court shall close  
the case.*

*Janina Cota*  
*April 10, 2008*

**LESTER SCHWAB KATZ & DWYER, LLP**

By:   
Dennis M. Rothman  
*Attorneys for Third-Party Defendant*  
*CML Direct, Inc.*

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(212) 341-4343

SO ORDERED:

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The Honorable Denise L. Coia, U.S.D.J. 